

## Fiscal Services Division



## ADMINISTRATIVE RULES - FISCAL IMPACT SUMMARIES

July 9, 2013

Iowa Code section 17A.4(4) requires the Legislative Services Agency (LSA) to analyze the fiscal impact of all administrative rules with an impact of \$100,000 or more and provide a summary of the impact to the Administrative Rules Review Committee (ARRC). Fiscal Impact Statements filed by State agencies can be found on our website at http://staffweb.legis.state.ia.us/lfb/docs/Admin\_Rules/arfiscal\_notes.htm

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#### **Department of Administrative Services**

**ARC 0812C** 

## **Rule Summary**

Reorganizes the Department of Administrative Services enterprises. The major changes include:

- Redefining the Design and Construction Resources enterprise to administer and oversee the contracting for construction projects.
- Splits Fleet and Mail into two enterprises.
- Splits Service Delivery into (1) Service Delivery to manage the Capitol Complex, (2) Real Estate Services for leasing, space planning and management, and surplus property, and (3) Central Procurement Enterprise for procuring goods and services.

**Fiscal Impact** 

No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

#### **Department of Agriculture and Land Stewardship**

ARC 0786C

**Rule Summary** 

Exempts Bengal and Savannah cats from the definition of dangerous wild animals as required by SF 247 (Bengal Cats Act). The Act was passed by the General Assembly on May 7, 2013, and signed by the Governor or May 15, 2013.

**Fiscal Impact** 

No fiscal impact.

**ARC 0815C** 

**Rule Summary** 

Updates rules related to motor fuel with changes implemented in HF 458 (Agriculture Department Conservation Cost Share Act). Allows the stated price of gas to be

reduced for a cash discount and restates provisions related to minimum octane requirements. House File 458 was approved by the General Assembly on March 12, 2013, and signed by the Governor on March 28, 2013.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Deb Kozel (Ext. 16767)

## **Department of Education**

**ARC 0814C** 

Rule Summary Requires one-time consent and written notification for schools to access Medicaid or

other public insurance benefits. Annual notification is required thereafter. The

changes are required to conform to federal rulemaking.

**Fiscal Impact** No fiscal impact.

**ARC 0813C** 

**Rule Summary** Establishes guidelines and standards for School Administration Manager Programs in lowa. Defines School Administration Manager (SAM) and describes the proper

training model for a SAM. Provides details for establishing SAM training programs. Outlines the knowledge, standards, and skills necessary for SAM trainees. Gives the Department the authority to set and collect fees to cover the costs of the SAM

program.

Fiscal Impact No fiscal impact if current Department staff monitors the SAM program. It is unknown

if the Department will require additional staff to monitor the SAM Program until it is

fully implemented.

STAFF CONTACT: John Parker (Ext. 52249)

### **Environmental Protection Commission**

**ARC 0785C** 

#### **Rule Summary**

Revises air quality rules to reflect changes made by the federal Environmental Protection Agency (EPA) to the National Ambient Air Quality Standards (NAAQS) for the following air pollutants:

- PM2.5 (particulate matter less than or equal to 2.5 micrograms in diameter).
- Lead.
- SO2 (sulfur dioxide).

The following is a summary of the proposed rule changes:

- Chapter 22: Revises a subset of listed construction permitting exemptions to set appropriate emissions thresholds and operating conditions for PM2.5 and lead.
- Chapter 22: Updates the Title V program "insignificant activities" to set appropriate emissions thresholds and operating conditions for PM2.5 and lead. These changes correspond with the changes proposed for the construction permit exemptions.
- Chapter 22: Revises rules for the spray booth "permit by rule" (PBR) to add content limits for lead-containing spray materials.
- Chapter 28: Adopts by reference the new federal SO2 NAAQS and removes the use of PM10 (particulate matter with a diameter of 10 microns or less) as a surrogate for the annual PM2.5 NAAQS.

Fiscal Impact No fiscal impact.

**ARC 0783C** 

**Rule Summary** 

Adopts federal amendments for the Prevention of Significant Deterioration (PSD) Program related to greenhouse gas emissions. Proposed changes will streamline lowa's PSD program by providing additional opportunities for plant-wide applicability limits or PAL permits. The federal amendments were published in the Federal Register on July 12, 2012, and became effective on August 13, 2012. Refer to http://www.gpo.gov/fdsys/pkg/FR-2012-07-12/pdf/2012-16704.pdf.

A PAL permit is a voluntary program available to qualifying facilities that establish plant-wide emission limits on a pollutant-by-pollutant basis. If a facility can maintain the overall emissions of a particular pollutant below the PAL level, the facility can make changes without triggering a PSD review. The rules provide regulatory flexibility to affected facilities that choose to apply for PAL permits.

Currently the DNR has received one application for a PAL permit from the University of Iowa (UI). Other companies have inquired about the availability of a PAL.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Deb Kozel (Ext. 16767)

## **Department of Inspections and Appeals**

ARC 0809C

**Rule Summary** 

Provides clarification of rules related to nurse responsibilities and delegation of tasks in elder group homes, assisted living programs, and adult day services. The rules provide for criminal background checks and child and dependent adult abuse checks for potential employees. Previously, the Board of Nursing rules provided the explanation of the provision of nursing services in these types of facilities.

Fiscal Impact

No fiscal impact.

**ARC 0808C** 

**Rule Summary** 

Makes changes to the rules for elder group homes, assisted living programs, and adult day services programs to require criminal record checks and child abuse and dependent adult abuse record checks for prospective employees. This amendment implements the changes made to Iowa Code section 135C.33 by SF 347 (Nursing Home Conditional Employment) approved during the 2013 Legislative Session.

**Fiscal Impact** 

Minimal fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

#### **Insurance Division**

**ARC 0816C** 

**Rule Summary** 

Provides additional regulatory guidance and clarification for navigators as required by lowa Code section 522D. Navigators are individuals or entities regulated by the lowa Insurance Division that will provide assistance to lowa consumers in health care coverage enrollment, outreach, and education through health care exchanges as provided under the federal Patient Protection and Affordable Care Act and related regulations. The purposed rule addresses licensing, training, application, and other minimum practice standards for entities and individuals appointed to be navigators.

**Fiscal Impact** 

Navigators are charged a \$20 fee for a three-year license or three-year license renewal. Approximately 100 individuals are expected to apply for licenses as navigators, yielding \$2,000 in fee revenue for the Insurance Division.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

## **Law Enforcement Academy**

**ARC 0782C** 

**Rule Summary** 

Updates rules to comply with Iowa Acts 2012, SF 2312 that amended Iowa Code section 80B.11(1)(c)(3), and now requires mandatory in-service mental health training for all law enforcement officers. The proposed rule amendments update the language describing the current firearms training requirements to more accurately reflect the Iowa Law Enforcement Academy's firearms training program.

**Fiscal Impact** 

No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

#### **Professional Licensure Division**

**ARC 0777C** 

**Rule Summary** 

Clarifies the amount of time a licensure application is active, updates the supervised clinical experience requirements, and removes outdated language for licensure.

**Fiscal Impact** 

No fiscal impact.

**ARC 0792C** 

**Rule Summary** 

Amends definitions to be consistent with the national examination and the examination requirements. Clarifies the services required of a licensed hearing aid dispenser following a medical evaluation. Removes online instruction from the continuing education requirement on independent study and modifies the requirement for listing the office address in advertisements.

**Fiscal Impact** 

No fiscal impact.

**ARC 0797C** 

**Rule Summary** 

Adds a definition of a provisional license to provide for circumstances when a provisional license may be obtained. Establishes the time limits for serving as a provisional administrator and defines the provisional license application requirements.

**Fiscal Impact** 

No fiscal impact.

STAFF CONTACT: Estelle Montgomery (Ext. 16764)

#### **Department of Public Health**

**ARC 0811C** 

**Rule Summary** 

Identifies the sections of the Uniform Plumbing Code 2012 edition that are modified with language from the International Plumbing Code and other referenced codes.

**Fiscal Impact** 

No fiscal impact.

STAFF CONTACT: Estelle Montgomery (Ext. 16764)

## **Department of Public Safety**

**ARC 0791C** 

Rule Summary Clarifies that electrical inspections cannot be conducted on farms unless it involves a

residence or commercial or industrial area.

Fiscal Impact No fiscal impact. Exempting farms from the list of required inspections will mean no

expenditures of State resources will be made by the Department of Public Safety.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

### **Secretary of State**

ARC 0804C

**Rule Summary** Conforms to the current practice of assessing a \$10 fee to accept a notice of action

involving nonresident small claims actions.

Fiscal Impact Minimal fiscal impact. An undetermined amount is deposited to the General Fund

annually under the current practice.

ARC 0801C

**Rule Summary** Sets standards for county commissioners of election to follow when using the two

newly certified voting systems by the Iowa Board of Voting Equipment Examiners.

Fiscal Impact No fiscal impact.

ARC 0805C

**Rule Summary** Rescinds rules pertaining to the collection of postsecondary school registration fees.

The Secretary of State no longer has statutory authority to collect the fees. The obligation was repealed during the 2009 Legislative Session with the enactment of

SF 270 (Registration of Postsecondary Schools Act.)

Fiscal Impact No fiscal impact.

ARC 0803C

**Rule Summary** Conforms to the current practice of the Secretary of State requiring email addresses

of registered agents for any business organizations that file electronically with the

Secretary of State. The addresses are not a public record.

**Fiscal Impact** No fiscal impact.

ARC 0802C

**Rule Summary** Conforms to the current practice of assessing a fee of \$500 for athlete agent

registrations and renewals. The fee is authorized by Iowa Code section 9A.109.

Fiscal Impact No fiscal impact. The Secretary of State collects approximately \$5,500 annually and

the fees are deposited in the General Fund.

ARC 0806C

**Rule Summary** Implements updated rules on notarial acts and officers to conform to SF 2265

(Notarial Acts Act) approved during the 2012 Legislative Session.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

#### **Utilities Division**

**ARC 0781C** 

**Rule Summary** Corrects a citation in subrule 15.52.

This change was originally part of ARC 0445C published November 14, 2012. The Utilities Board has decided to address the other part of the rules dealing with utility pole attachments differently and has eliminated those items from this rule.

Fiscal Impact No fiscal impact.

ARC 0784C

**Rule Summary** 

Amendment to establish procedures for the safe installation of pole attachments to utility poles. The proposed amendments are designed ensure that pole attachments comply with the safety regulations in the lowa Electrical Safety Code.

This topic was originally addressed in ARC 0455C published on November 14, 2012. Those proposed changes established the Iowa Utility Board's jurisdiction over electric pole attachments, rather than the Federal Communications Commission (FCC), and allowed the Board to resolve pole attachment issues. After receiving comment, the Board decided not to establish jurisdiction over pole attachments for rates, terms, and conditions of pole attachments and leave those issues to the FCC. Instead the Board is amending Chapter 25 to specifically address safety concerns.

**Fiscal Impact** 

No fiscal impact to the State. The changes may have a beneficial effect on safety and reliability of electric service that could provide an economic benefit. The benefit cannot be quantified.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

#### **Department of Veterans Affairs**

**ARC 0800C** 

**Rule Summary** 

Updates rules based on 2013 enacted legislation (HF 545, Veterans Trust Fund Allowable Purposes Act and HF 613, War Orphans Educational Assistance Fund Act) that makes technical changes, clarifies the Veterans Trust Fund process, and describes eligibility procedures.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

#### **Board of Pharmacy Emergency Rulemaking Review**

**ARC 0652C** 

**Rule Summary** 

Temporarily classifies three synthetic cannabinoids as Schedule I controlled substances rules as directed by the U. S. Department of Justice, Drug Enforcement Administration. The products are currently being marketed as "legal" alternatives to marijuana but have a high potential for abuse, have no currently accepted medical use in treatment in the United States, and lack accepted safety for use under medical supervision.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Estelle Montgomery (Ext. 16764)

## **Department of Cultural Affairs Emergency Rulemaking Review**

Rule Summary Amends the Historic Preservation and Cultural Entertainment District Tax Credit

Program pursuant to 2013 Iowa Acts SF 436 (Historic Property Tax Credits Act). Changes include increasing the budget threshold for small projects and increasing

the amount of time for project completion.

Fiscal Impact There is no fiscal impact assuming all tax credits will be awarded each year with or

without this adjustment to the projects budget threshold.

STAFF CONTACT: Kent Ohms (Ext. 52200)

## **Department of Human Services**

**ARC 0790C** 

**Rule Summary** 

Clarifies the treatment of related party compensation in setting rates for residential care facilities (RCFs). The rules also clarify the Department's treatment of legal, accounting, consulting, and other professional fees, including association dues, and penalties and fines. These rules change the cost report that is to be submitted, the information that must be submitted to the Department with the cost report, and how the cost report is to be submitted. Defines the timing for submitting an amended cost report and clarifies the Department's position as to length of penalties for late submission of cost reports. Amends language to reflect current operations of the lowa Medicaid Enterprise.

Fiscal Impact

No fiscal impact.

**ARC 0789C** 

**Rule Summary** 

Clarifies the treatment of prescription drugs, x-ray, lab, and related party compensation in setting rates for Nursing Facilities (NFs). Clarifies the Department's treatment of legal, accounting, consulting and other professional fees, including association dues, management fees, penalties and fines, and therapy expense. These rules change the information required to be submitted to the Department with the cost report, changes the timing for submission of the cost report, better defines the timing for submitting an amended cost report, and clarifies the Department's position as to length of penalties for late submission of cost reports. There is also a rule change proposed to elaborate on the Department's ability to recoup Medicaid outstanding debts of facilities that change ownership. Amends language to reflect current operations of the lowa Medicaid Enterprise.

**Fiscal Impact** 

No fiscal impact.

ARC 0788C

**Rule Summary** 

Clarifies the treatment of related party compensation in setting rates for Intermediate Care Facilities for Persons with Intellectual Disability (ICF/ID). The rules also serve to clarify the Department's treatment of legal, accounting, consulting and other professional fees, including association dues, and penalties and fines. These rules change what is required to be submitted to the Department with the cost report, how the cost report is to be submitted, better define the timing for submitting an amended cost report, and clarifies the Department's policy regarding length of penalties for late submission of cost reports. Amends language to reflect current operations of the lowa Medicaid Enterprise.

**Fiscal Impact** 

No fiscal impact.

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**ARC 0787C** 

**Rule Summary** Updates provider immunization requirements for Child Care Centers and Child

> Development Homes. Requires all child care providers to have a signed statement from a licensed physician stating they are free from communicable disease, in good

health, and should not be prevented from providing child care services.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Jess Benson (Ext. 14611) and Estelle Montgomery (Ext. 16764)

### **College Student Aid Commission**

**ARC 0780C** 

**Rule Summary** Eliminates the requirement that applicants for the Terry E. Branstad State Fair

Scholarship submit recommendations with their applications.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

## **Engineering and Land Surveying Examining Board**

**ARC 0779C** 

Revises the wording to clarify qualifying experience required for engineering **Rule Summary** 

licensure. These changes are identical to those published as the Notice of Intended

Action on February 20, 2013, as ARC 0603C.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

**Nursing Board** 

**ARC 0810C** 

**Rule Summary** Removes language relating to charging a convenience fee for online applications and

also removes language regarding fees being processed as repayment receipts.

**Fiscal Impact** No fiscal impact.

**ARC 0796C** 

**Rule Summary** Terminates the rulemaking commenced in ARC 9621B that changes the term

"secretary" to "vice chairman" and removes references to the use of Robert's Rules of

Order.

**Fiscal Impact** No fiscal impact.

**ARC 0793C** 

**Rule Summary** Allows an additional 60 days to obtain documents and complete the licensing

process.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Estelle Montgomery (Ext. 16764)

#### **Soil Conservation Division**

#### **ARC 0798C**

## **Rule Summary**

Implements changes in HF 458 (Conservation Cost Share Revolving Loan Fund Act) related to the Conservation Practices Revolving Loan Fund. Changes include:

- Increases the maximum loan amount from \$10,000 to \$20,000.
- Allows landowners to borrow funds from the Conservation Practices Revolving Loan Fund for conservation practices that are also being funded with Conservation Cost Share funds.

The rule changes were made to encourage landowners to borrow funds from the Conservation Cost Share Revolving Loan Fund. The FY 2012 carryforward balance was \$919,000. House File 458 was approved by the General Assembly on March 12, 2013, and signed by the Governor on March 28, 2013. This Act allows the conservation practices loan fund to be used at the same time as cost share. The maximum loan allowed for the conservation practices fund is increased from \$10,000 to \$20,000.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deb Kozel (Ext. 16767)

## **Transportation Department**

#### **ARC 0778C**

#### **Rule Summary**

Allows qualified firefighters and members of an emergency medical services agency that currently hold a firefighter plate or an emergency medical services plate, the ability to apply for reissuance of the previously assigned plate number during a plate replacement or if the plate is lost, damaged, or stolen. Item 3 makes a change to the definition of principal place of business to state that the business must be within the state of lowa. Item 4 allows a Department representative, not just a Department investigator, to physically inspect an applicant's principal place of business when the applicant is applying for a motor vehicle dealer's license if the Department decides that an inspection is required.

Fiscal Impact No fiscal Impact

STAFF CONTACT: David Heuton (Ext. 50509)

## **Voter Registration Commission**

**ARC 0807C** 

**Rule Summary** Specifies the State of Iowa Official Voter Registration Form, revised August 1, 2013,

is the form to be used for a voter registration application.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)



# **Iowa Department of Human Services**

Terry E. Branstad Governor Kim Reynolds Lt. Governor Charles M. Palmer Director

June 17, 2013

Jess Benson Legislative Services Agency State Capitol Building LOCAL

Dear Mr. Benson:

This letter is in response to your request for a breakout of the \$11.9 million increase for Medicaid providers by provider. The provider rate increases assumed by the Legislature are summarized below.

Provider Group	Increase	State Cost
Emergency Medical Services/Ambulance	10%	\$226,950
HCBS Waiver	3%	\$7,130,445
Other Providers	1%	\$4,538,558
Total		\$11,895,953

While the department did not provide these estimates directly to the Legislature, it appears the source of these cost estimates was a provider rate increase analysis submitted by the department to the Legislative Services Agency in February 2013. The provider detail included within that original response is provided in Attachment 1.

Please feel free to contact me if you need additional information.

Sincerely;

Jennifer Davis Harbison

Jennyer Qavis Hay 6 1800

Policy Advisor

JDH:jbh

Attachment

Prepared by: fiscal management

## DHS - Medical Assistance SFY14 Medicaid Provider Rate Change Analysis

		-		
	St	State Dollars		
		% Increase		
Ambulance	\$	226,950		
HCBS Waivers	30	% Increase		
AIDS	\$	4,418		
Brain Injury		390,253		
Elderly	\$	1,038,904		
III & Handicapped	\$ \$ \$ \$ \$ \$	320,934		
Intellectual Disabilities	¢	5,128,293		
Physical Disabilities	\$	98,959		
Children's Mental Health (SED)	\$	148,684		
Total HCBS Waivers	\$	7,130,445		
Total FICES Walvers	Ψ	7,130,443		
Other Providers	19	% Increase		
Hospital (Excludes Assessment Pmts)	<u> </u>	70 Moreage		
Inpatient (Non-Critical Access)	\$	1,328,154		
Outpatient (Non-Critical Access)	\$	840.437		
DSH (Excluding UIHC DSH Pool)	\$	27,828		
DME, IME	\$	95,204		
Physician	\$	869,624		
Clinics	\$	31,790		
Dental	\$	258,972		
Other Practitioner	\$	118,505		
Optometric	\$	48,676		
Chiropractic	\$	25,707		
Podiatrist	\$	12,045		
Family Planning	\$	9,386		
EPSDT	\$	96,017		
Medical Supplies	\$	214,895		
Lab/X-Ray	\$	39,686		
Pharmacy Dispensing Fees (\$10.02)	\$	140,682		
Psychiatric	\$	4,002		
Lead Inspection	\$	. 88		
Habilitation	\$	373,563		
Health Homes	************	3,298		
Total Other Providers	\$	4,538,558		
Total All Providers	\$	11,895,953		

## DHS - Medical Assistance SFY14 Medicald Provider Rate Change Analysis Detail Supporting the One Percent Provider Rate Increase Fiscal Estimate

## State Dollars

Dunitlers	Original 1% Estimate February 2013		Revision to Exclude Providers Receiving Other Increases		Distribution of Foster Care, TXXI, and Reduction Strategy Adjustments by Provider Group	
Providers						
Hospital (Excludes Assessment Pmts)	•	4 274 464	æ	1 274 444	œ	1 200 154
Inpatient (Non-Critical Access)	\$	1,374,441	\$	1,374,441	\$ \$	1,328,154
Outpatient (Non-Critical Access)	\$	869,726	\$	869,726		840,437
DSH (Excluding UIHC DSH Pool)	\$	28,797	\$	28,797	\$	27,828
DME, IME	\$	98,522	\$	98,522	\$	95,204
Physician	\$	899,931	\$	899,931	\$	869,624
Clinics	\$	32,898	\$	32,898	\$	31,790
Dental	\$	267,997	\$	267,997	\$	258,972
Other Practitioner	\$	122,635	\$	122,635	\$	118,505
Optometric	\$	50,373	\$	50,373	\$	48,676
Chiropractic	\$	26,603	\$	26,603	\$	25,707
Podiatrist	\$	12,465	\$	12,465	\$	12,045
Family Planning	\$	9,713	\$	9,713	\$	9,386
EPSDT	\$	99,363	\$	99,363	\$	96,017
Medical Supplies	\$	222,384	\$	222,384	\$	214,895
Lab/X-Ray	\$	41,069	\$	41,069	\$	39,686
Pharmacy Dispensing Fees (\$10.02)	\$	145,585	\$	145,585	\$	140,682
Psychiatric	\$	4,142	\$	4,142	\$	4,002
Home Health	\$	408,190	\$	· <u>-</u>	\$	· <b>-</b>
Lead Inspection	\$	91	\$	91	\$	88
Ambulance	\$	22,695	\$	•	\$	-
Habilitation	\$	386,582	\$	386.582	\$	373.563
Health Homes	\$	3,413	\$	3,413	\$	3,298
Foster Care Expansion	\$	2,291	\$	2,291	\$	• 1—
TXXI Adjustment	\$	(102,517)	\$	(102,517)	\$	-
Reduction Strategy Offsets	\$	(57,945)	\$	(57,945)	\$	_
Total Providers	<del>- \$</del>	4,969,443	\$	4,538,558	\$	4,538,558
Nursing Facility (Excludes Pass-Through & Add-on)						
Free Standing	\$	2,079,462	\$	_	\$	-
Skilled Nursing Facilities	·····\$	59.088	\$	········· = ······	§	·
Total Nursing Facility	\$	2,138,551	\$	_	\$	-
HCBS Waivers						
AIDS	\$	1,473	\$	_	\$	-
Brain Injury	\$	130,084	\$	-	\$	-
Elderly	\$	346,301	\$		\$	•
III & Handicapped	\$	106,978	\$	_	\$	<b>.</b> .
Intellectual Disabilities	\$	1,709,431	\$	-	\$	_
Physical Disabilities	\$	32,986	\$		\$	-
	\$	49,561	\$		\$	_
Children's Mental Health (SED) Total HCBS Waivers	<del>\$</del>	2,376,815	\$		\$	
Total DCDO Avaivers	φ	2,070,010				
Total All Providers	\$	9,484,809	\$	4,538,558	\$	4,538,558